



June 26, 2017

Nicholas G. Alexander
Associate General Counsel, Federal Affairs
1220 L Street NW, Suite #660
Washington, DC 20005
TEL: (571) 730-6473
Nick.Alexander@Level3.com

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, WC Docket No. 16-106; Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, CC Docket No. 96-115

Dear Ms. Dortch:

I met with Claude Aiken of Commissioner Clyburn's office on Thursday, June 22nd, and held separate calls with Jay Schwarz and Kristine Fargotstein of Chairman Pai's office and Amy Bender of Commissioner O'Rielly's office on Friday, June 23rd in connection with the above captioned proceedings. We discussed the fact that the Congressional Review Act repeal of the 2016 Privacy Order eliminated certain highly beneficial and noncontroversial changes to the Commission's rules, including former section 64.2010, which conditionally exempted enterprise voice providers from the Commission's rules specifying how carriers must implement Section 222 – i.e., the regulations in Subpart U.¹

We discussed how the enterprise customer exemption adopted in the 2016 Privacy Order accounted for the differences between the privacy and data security needs and expectations of enterprise voice service customers and those of subscribers to mass-market voice services by including a conditioned exemption for providers of telecommunications services. The exemption, which was supported by the full Commission, eliminated unnecessary regulations and ensured that participants in the enterprise voice service market had the flexibility and certainty they needed to ensure that customers received well-tailored privacy and data security solutions.

I urged that the Commission take action to adopt a new, unconditioned version of the enterprise customer exemption as part of the privacy item currently on circulation. We further discussed

¹ 47 C.F.R. § 64.2010; Protecting the Privacy of Customers of Broadband and Other Telecomms. Servs., WC Docket No. 16-106, Report and Order, 31 FCC Rcd. 13911, 14040-41, ¶¶ 306-309 (rel. Nov. 2, 2016) ("2016 Privacy Order"); Pub. L. No. 115-22 (2017); 47 USC § 222.



Marlene H. Dortch
June 26, 2017
Page 2

steps the Commission could take to address this issue outside the context of the item currently on circulation, such as adopting an order to address these beneficial and noncontroversial issues.

Sincerely,

/s/ Nicholas G. Alexander
Nicholas G. Alexander